

May 24, 2018

Mr. Ford called the Meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

Mr. Ford announced that Messrs. Mazza and Neary could vote on the minutes; however, they would have to recuse themselves prior to the Use Variance Completeness Hearings.

Members Present: Mr. Mazza, Mr. Neary, Mr. Walchuk, Mr. Nace, Mr. Eschbach, Mr. Stothoff, Mr. Fernandez, Mr. Kirkpatrick, Mr. Ford

Members Absent: Mr. Kastrud, Mr. Sullivan

Others Present: Board Atty. Mark Anderson, Engineer Robert Clerico, Atty. Alan Lowcher, Engineer Chris Nusser, Atty. William Mennen, Engineer Tung-To Lam , Paulo Matos, Philip Berg

Open Public Meetings Act Notice: I would like to have placed in the minutes that the Open Public Meeting Requirements of Law have been satisfied by our notices dated February 1, 2018, as published in the Hunterdon County Democrat and January 31, 2018, as published in the Courier News. A copy of the Notice has also been posted on the Township Website, the Bulletin Board in the Municipal Building and a copy has been filed with the Municipal Clerk.

Approval of Minutes: Mr. Eschbach made a motion to approve the minutes of the April 26, 2018 regular meeting. Mr. Stothoff seconded the motion.

Vote: Ayes: Mr. Eschbach, Mr. Stothoff, Mr. Mazza, Mr. Neary, Mr. Walchuk, Mr. Nace, Mr. Fernandez, Mr. Kirkpatrick, Mr. Ford

Mr. Nace made a motion to approve the minutes of the April 26, 2018 Executive Session. Mr. Eschbach seconded the motion.

Vote: Ayes: Mr. Nace, Mr. Eschbach, Mr. Mazza, Mr. Neary, Mr. Walchuk, Mr. Stothoff, Mr. Fernandez, Mr. Kirkpatrick, Mr. Ford

Issue of Completeness:

Powerco Partners, LTD: Block 23, Lot 23.02, 173 Route 173 West: Use Variance and Preliminary and Final Site Plan: Atty. Alan Lowcher, representing Powerco, said applicant proposes construction of a 10,000 square foot (sf) building to house the Kubota Dealership. Powerco will no longer permit Case and Kubota to occupy the same building. Mr. Lowcher said applicant's Engineer, Chris Nusser, would provide additional information. Prior to presenting testimony, Mr. Nusser was sworn by Atty. Anderson. Mr. Kirkpatrick asked that Mr. Nusser present his credentials, after which time a motion was made by Mr. Kirkpatrick to accept Mr. Nusser as a qualified Engineer. Mr. Stothoff seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mr. Nusser reviewed Mr. Clerico's letter dated May 21, 2018. He referenced Checklist Item #20 regarding Waivers; Checklist Item #21 regarding Steep Slopes; Checklist Items #29 & #30 regarding tree removal; Checklist Items #35 & #43 regarding the Septic Disposal System; Checklist Items #40, #56 & #57 regarding the Title Search; Checklist Item #46 regarding property boundary corner markers; Checklist Item #52 regarding Hunterdon County Soil Conservation Review, Mr. Nusser asked that be a condition of approval; Checklist #54 regarding Storm Water Management; Checklist Item #59 regarding a Letter of Interpretation (LOI), Mr. Nusser said a Wetlands Scientist determined there were no wetlands on the site; Checklist #60 regarding "as-built" plans, Mr. Nusser asked that be a condition of approval; Checklist #61 regarding the Aquifer Test; Checklist Item #62 regarding a Carbonate Area District Investigation, Mr. Ford asked that a letter from UTEC Chair MacGeorge be read into the record. "Comments concerning the Powerco Site Plan and Variance Application speaking to Checklist Items #29 & #30, I agree with the Engineer that the Waivers should be denied. I want to ensure that 10 inch and larger trees are identified and attempted to be preserved, if possible, within the Site Plan. Checklist #59, I can understand the visual inspection of no wetlands based on the location of topography. I tend to agree but would like to insure with the State that there are no wetlands present." Mr. Ford said Mr. Kirkpatrick had made a suggestion about a method to deal with the wetlands matter.

"Regarding Checklist Item #61, based on the need for this new structure, my (Mr. MacGeorge) understanding was that the parent companies wanted separate structures or areas for new equipment and needed to keep them in separate buildings. The assumption would be that utilities and business side of the operation would still be under the same umbrella so water should be supplied by Elizabethtown Water. However, not knowing the business and the potential need, a well could be required to be drilled at a later point. I agree with the recommendation and defer judgment."

Mr. Ford understood the Board agreed with the comments in Mr. Clerico's May 21, 2018 letter with the exception of Items #29 & #30. Applicant agrees to provide an inventory of trees in the area of disturbance; Item #52, defer filing documentation with Hunterdon County Soil Conservation District (HCSCD) as a condition of approval of the proposed Use Variance; Item #59, a Letter will be provided from a Wetlands Scientist; and Item #20, regarding topographical waivers.

Mr. Ford asked for questions from the Board. There were none. He asked for questions from the Public. There were none.

Motion to Approve: Mr. Kirkpatrick made a motion to deem the application complete provided that the items set forth are provided and furthermore allow the SCD to be a condition of approval, a letter from a Wetlands Scientist indicating the absence of wetlands on the site, in lieu of an LOI and the Aquifer Test be a condition of approval of the Site Plan. We determined the application would not be determined to be complete until our engineer issued a written determination that all of the required information was submitted. Mr. Stothoff seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mr. Stothoff, Mr. Walchuk, Mr. Nace, Mr. Eschbach, Mr. Fernandez, Mr. Ford.

Atty. Lowcher asked the Board if they would be amenable to Noticing for a Hearing the June 28, 2018 Meeting if Mr. Clerico provided the letter, as set forth in the above motion. Mr. Ford said the Board requires that all information must be submitted twenty-one days prior to a meeting.

Quick Check Corporation: Block 22, Lots 39, 40 & 41, 170 & 172 Perryville Road: Preliminary & Final Major Site Plan, Minor Subdivision, Use & Bulk Variance: Atty. William Mennen gave a brief overview of the application. He said the existing Bagelsmith will be demolished and replaced with a Quick Check Store and Fuel Stations. Atty. Mennen introduced Engineer Tung-Ho Lam and Quick Check Representative Jeff Albanese. Mr. Lam was sworn by Atty. Anderson. He had appeared before the Board before and therefore his credentials were accepted by the Board.

Mr. Lam referenced Mr. Clerico's letter dated May 21, 2018, specifically Checklist Items #4, Metes & Bounds Description & #60, As-Built Plans, for which waivers were sought as a condition of approval; Item # 44, Plan & Profiles of Proposed Street Improvements along County Road 625, a temporary waiver is sought; Items #56 & #57, Mr. Lam submitted an updated Survey to address those items and; Item #55, Impact Statement, Mr. Lam said the Statement has been signed and sealed and includes the resume of the preparer.

The Board briefly discussed Mr. Lam's request for waivers. Mr. Ford asked for questions from the Board. There were none. He asked members of the Public for comments. Eugene Budsock, 19 Henderson Hill Road, voiced a concern about another gas station and the proximity to the Union Township Middle School. Mr. Ford encouraged Mr. Budsock to hold comments until the Public Hearing.

There was no further discussion on the issue of completeness. Mr. Ford asked for a motion.

Motion to Approve: Mr. Kirkpatrick made a motion to deem the application complete. Mr. Nace seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mr. Nace, Mr. Walchuk, Mr. Eschbach, Mr. Stothoff, Mr. Fernandez, Mr. Ford

Mr. Lam said a new Traffic Study will be provided. Atty. Mennen asked if a Public Hearing could be scheduled for the August 9, 2018 Workshop. Mr. Ford said it could be scheduled; however, Mr. Mennen should contact the Board office to insure there would be a quorum.

Correspondence: None

Comments from the Public/Other Discussion:

Block 12, Lot 1.04, 96 Route 173 West: Maeve Pambianche: Ms. Pambianche was not present.

Block 5, Lot 17, 214 Wes Van Syckel's Road: Paulo Matos Special Event Request: Mr. Matos had attended the May 16, 2018 Committee Meeting regarding his request to hold a rodeo at his farm.

He was told to contact the Planning Board for their guidance. Mr. Matos provided an overview of the proposed fun-filled and cultural Event he would like to hold on August 25th and 26th of this year. He displayed a map showing parking and vendor areas. Mr. Matos anticipated an attendance of approximately 3,000. The Event is for profit; however, parking fees are proposed to be given to a charitable institution and a percentage of admission fees might be considered for a local organization, i.e., a fire company.

Mr. Ford asked Atty. Anderson if the Board had jurisdiction. Mr. Anderson said the Board operates under the New Jersey Municipal Land Use Law (MLUL) and they would have some jurisdiction. He said the proposed commercial use would require a variance. Site plan approval would also appear to be required. Mr. Matos realized he would not have time to submit required application. Mr. Stothoff suggested to Mr. Matos that he contact the Hunterdon County 4-H and Agricultural Fair, Inc. as a potential site for the proposed rodeo.

Mr. Matos had a question regarding the use of his property for his son's wedding. Mr. Kirkpatrick said that would not be a commercial event and the above requirements would not be applicable.

Mr. Matos thanked the Board for their guidance.

Mr. Ford asked for questions from the Public. Mr. Budsock, who had previously voiced a concern about Quick Check, mentioned the proximity to the Middle School and added traffic congestion. Atty. Anderson emphasized the importance of Mr. Budsock's attendance at the Public Hearing.

Philip Berg, informally present on behalf of a Legal Medicinal Cannabis Organization. Mr. Berg said the property the Organization is interested in for their proposal is an approximate five-acre lot behind the proposed Quick Check. Mr. Berg described the proposal at length. He asked if the use was permitted. Mr. Kirkpatrick questioned whether the growing of cannabis would be considered a permitted use. The building would require a site plan. Mr. Stothoff asked about Drug-Free Zone issues. Mr. Berg said there is a one-thousand foot setback requirement from any public school. A review of the Quick Check Plan revealed that the proposed property is less than one-thousand feet from the Middle School; therefore the site would not be appropriate. Atty. Anderson advised Mr. Berg to seek guidance from the Zoning Official regarding the use. Mr. Berg mentioned the possibility of property at 96 Route 173 West for his proposal.

Motion to Adjourn: Mr. Eschbach asked for a motion to adjourn. Mr. Walchuk seconded the motion. (8:30 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary

